

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAWN CARDONA,)	
)	
Plaintiff,)	Case No. 17 C 1278
v.)	
)	Judge Robert W. Gettleman
FCI LENDER SERVICES, INC.,)	
)	
Defendant.)	

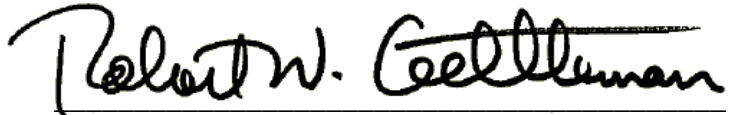
ORDER

Plaintiff Dawn Cardona has brought a complaint against defendant FCI Lender Services, Inc., alleging violations of the Fair Debt Collection Practices Act (“FDCPA”). Defendant has moved to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), arguing that the complaint is insufficiently pled because plaintiff failed to attach the letter that allegedly violates the FDCPA and that the letter that plaintiff failed to attach to the complaint does not violate the FDCPA. In support of these arguments, defendant attached to its motion the following documents: an affidavit of mortgage settlement executed by plaintiff, with attachments (Exhibit 1); a response filed in the underlying foreclosure action, with attachments (Exhibit 2); letters sent to plaintiff regarding the transfer of her mortgage loan (Exhibit 3); and the letter that plaintiff failed to attach to her complaint (Exhibit 4).

Plaintiff concedes defendant’s first argument and stipulates that defendant’s Exhibit 4 is the letter that she alleges violates the FDCPA. The court will not, at this time, address plaintiff’s arguments that the letter violates the FDCPA or defendant’s arguments to the contrary. Exhibits 1 through 3 are outside the pleadings and cannot be considered by the court on review of a motion to dismiss under Fed. R. Civ. P. 12(b). Consequently, the court treats defendant’s motion

as one for summary judgment pursuant to Fed. R. Civ. P. 56. Fed. R. Civ. P. 12(d).¹ Plaintiff is given until May 31, 2017, to present any material pertinent to the motion. Defendant shall have until June 16, 2017, to reply. The status date of July 6, 2017, is stricken and reset to August 16, 2017, at 9:00 a.m.

ENTER: May 16, 2017

A handwritten signature in black ink, reading "Robert W. Gettleman". The signature is written in a cursive, flowing style. The first name "Robert" is written with a large, prominent "R". The middle initial "W." is written in a smaller, more compact script. The last name "Gettleman" is written with a long, sweeping "G" and a trailing flourish.

Robert W. Gettleman
United States District Judge

¹ At this stage of the case, the parties need not file L.R. 56.1 statements of material facts.